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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/414,678	10/07/1999	YASUHIDE KOBAYASHI	450127-02261	3707

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NEW YORK, NY 10151

EXAMINER

CAPRON, AARON J

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/414,678

Applicant(s)

KOBAYASHI ET AL.

Examiner

Aaron J. Capron

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-17, 30-34 and 42-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-17, 30-34 and 42-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is a response to the Request for Reconsideration received on October 14, 2003.

Claims 13-17, 30-34 and 42-46 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13-17, 30-34 and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcorn (U.S. Patent No. 6,104,815; hereafter "Alcorn '815") in view of Alcorn (U.S. Patent No. 5,643,086; hereafter "Alcorn '086") further in view of Arbaugh et al (U.S. Patent No. 6,185,678; hereafter "Arbaugh"). Alcorn's '815 disclosure specifically states using the features of Alcorn '086 (6:60-63). This holding is maintained from prior action for cited claims, as amended, which is incorporated herein. Response to Applicant assertions is provided below and incorporated herein.

Alcorn '815 in view of Alcorn '086 disclose an entertainment system comprising an entertainment apparatus (Alcorn '815:laptop casino host server), a portable information terminal detachably (Alcorn '815:laptop—3:65-4:3) connected to the host server, wherein illegal copying prevention means for periodically determining whether legitimate information has been downloaded from the entertainment apparatus (Alcorn '815:laptop 4:9-12 and 10:8-17; Alcorn '086 4:49-54), and if legitimate information has not been downloaded, making ineffective at

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least control inputs (Alcorn '815: laptop bets at the website and 10:8-17) entered into the portable information terminal, the illegal copying prevention means comprising authenticating means but does not disclose using identification determining means for determining whether a medium identification code which has been downloaded from the master gaming unit is a predetermined medium identification code or not, the medium identification code identifying a medium containing at least one program executable in the portable information terminal. However, Arbaugh discloses identification determining means for determining whether a medium identification code which has been downloaded from the master gaming unit is a predetermined medium identification code or not, the medium identification code identifying a medium containing at least one program executable in the information terminal wherein one or more of the program has been downloaded from the source medium through the master unit and stored in the information terminal (4:33-5:26, esp 4:40-51). The use of the medium identification code is an extra security features that could detract possible offenders from illegally copying information. The two references are analogous since both refer to remote devices in communication with a master device that determines whether the remote devices are authorized. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Arbaugh's medium identification means into the invention, as suggested by Alcorn '815 in view of Alcorn '086, in order to detract possible offenders from illegally copying information.

Referring to claim 31, Alcorn '815 discloses an entertainment system wherein the illegal copying prevention means comprises means for making effective again control inputs (bets) entered into the portable information terminal if legitimate information (correct time and

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location) has been downloaded from the entertainment apparatus after control inputs (continue betting) entered into the portable information terminal have been made ineffective.

Referring to claim 32, Alcorn '815 and Alcorn '086 disclose an entertainment system wherein the downloading monitoring means for registering the date of an instance of downloading of data (Alcorn '815: laptop user downloads information from website to place bets; Alcorn '086: 4:49-58), and periodic download determining means for periodically determining whether data has been downloaded (Alcorn '086 4:49-58).

Referring to claim 33, Alcorn '815 and Alcorn '086 in view of Arbaugh disclose an entertainment system wherein preprocessing means for storing the date in a first memory area (Alcorn '815: laptop time for legalized betting in certain locations), download detecting means for detecting whether data has been downloaded (Alcorn '086: access to the host for the casino game) and registering means for setting a flag indicative of the download if the downloaded medium identification is the predetermined medium identification and registering the date in a second memory area (Alcorn '086: 2:32-41 and 4:20-58).

Referring to claim 34, Alcorn '815 discloses an entertainment system wherein effective/ineffective determining means for determining whether the date stored in the first and second memory areas are effective/ineffective (current time of user vs. time for legalized betting time in user's location), and making at least control inputs ineffective if the stored present data are ineffective (user cannot place bet at website), elapsed time determining means for determining whether a predetermined period has elapsed on the basis of the present date stored in the first and second memory areas (current time of user has surpasses the legalized betting time in user's location), and flag determining means for determining whether the flag has been set if

the predetermined period has elapsed, making at least control inputs ineffective if the flag has not been set, and resetting the flag if the flag has been set (letting the user bet once the user's current time reaches the time for legalized betting time in user's location).

Claims 13-17 correspond in scope to a terminal set forth for use of the system listed in claims 30-34 and are encompassed by use as set forth in the rejection above.

Claims 42-46 correspond in scope to a recording medium set forth for use of the system listed in claims 30-34 and are encompassed by use as set forth in the rejection above.

Response to Arguments

Applicant's arguments filed October 14, 2003 have been fully considered but they are not persuasive.

Applicant argues that Alcorn '815 in view of Alcorn '086 and Arbaugh fail to disclose a digital signature corresponding to a storage medium or source medium storing a bootstrap component. However, Arbaugh discloses a network using a server and a plurality of clients, wherein the server verifies the stored signature of the client/workstation in order to determine whether the client/workstation is an authorized (4:33-5:25 and 17:31-18:30). Therefore, the claimed invention fails to preclude the invention of Alcorn '815 in view of Alcorn '08 and Arbaugh.

Applicant argues that Alcorn '815 in view of Alcorn '086 and Arbaugh fail to disclose the legitimate information is downloaded from the entertainment apparatus to the portable information terminal. However, Arbaugh discloses an authentication procedure between a host server and a client/workstation wherein if the authentication information is incorrect the system

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tries again to authenticate the client/workstation (Figure 6, 17:31-18:30). Therefore, the claimed invention fails to preclude the invention of Alcorn '815 in view of Alcorn '08 and Arbaugh.

Applicant argues that Alcorn '815 in view of Alcorn '086 and Arbaugh fail to disclose the periodic download determining means. However, Arbaugh discloses verifying the digital signature's timestamp on an authentication certificate of a client to a server (Figure 6, 17:50-55). Therefore, the claimed invention fails to preclude the invention of Alcorn '815 in view of Alcorn '08 and Arbaugh.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

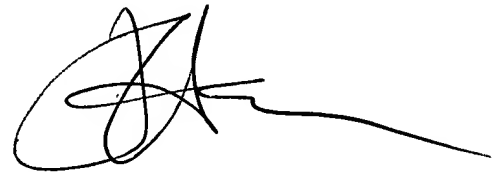
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-Th 8-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ajc

A handwritten signature in black ink, appearing to be 'JH' with a long horizontal line extending to the right.

**JESSICA HARRISON
PRIMARY EXAMINER**